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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:

12 **ADAM STORNIE ROGERS**

13  
14  
15 Respondent.

Case No. 2012-707

16 **STATEMENT OF ISSUES**

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
19 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,  
20 Department of Consumer Affairs.

21 2. On or about August 10, 2011, the Board of Registered Nursing (Board) received an  
22 application for Licensure by Examination for a Registered Nurse License from Adam Stornie  
23 Rogers (Respondent). On or about August 1, 2011, Adam Stornie Rogers certified under penalty  
24 of perjury to the truthfulness of all statements, answers, and representations in the application.  
25 The Board denied the application on September 29, 2011.

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1 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
2 of the business or profession for which the licensee's license was issued.

3 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
4 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
5 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
6 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
7 made suspending the imposition of sentence, irrespective of a subsequent order under the  
8 provisions of Section 1203.4 of the Penal Code."

9 6. Section 2736 provides, in pertinent part, that the Board of Registered Nursing (Board)  
10 may deny a license when it finds that the applicant has committed any acts constituting grounds  
11 for denial of licensure under section 480 of that Code.

12 7. Section 2761 states, in pertinent part:

13 "The board may take disciplinary action against a certified or licensed nurse or deny an  
14 application for a certificate or license for any of the following:

15 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

16 .....

17 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
18 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
19 conclusive evidence thereof."

20 8. Section 2762 states, in pertinent part:

21 "In addition to other acts constituting unprofessional conduct within the meaning of this  
22 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the  
23 following:

24 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
25 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
26 administer to another, any controlled substance as defined in Division 10 (commencing with  
27 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
28 defined in Section 4022.

1       “(b) Use any controlled substance as defined in Division 10 (commencing with Section  
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
5 ability to conduct with safety to the public the practice authorized by his or her license.

6       “(c) Be convicted of a criminal offense involving the prescription, consumption, or self-  
7 administration of any of the substances described in subdivisions (a) and (b) of this section, or the  
8 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)  
9 of this section, in which event the record of the conviction is conclusive evidence thereof.”

### 10                                   REGULATORY PROVISIONS

11       9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

12       “A conviction or act shall be considered to be substantially related to the qualifications,  
13 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
14 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
15 safety, or welfare.”

### 16                                   CONTROLLED SUBSTANCES

17       10. a. “Adderrall,” is the brand name for Amphetamine and Dextroamphetamine. It is a  
18 Schedule II controlled substance as designated by Health and Safety Code section 11055,  
19 subdivision (d)(1) and is categorized as a dangerous drug pursuant to section 4022.

20       b. “Marijuana,” is a Schedule I controlled substance as designated by Health and  
21 Safety Code section 11054, subdivision (d)(13) and is categorized as a dangerous drug pursuant  
22 to section 4022.

23       c. “Vicodin,” is the brand name for Hydrocodone and Acetaminophen. It is a  
24 Schedule III controlled substance as designated by Health and Safety Code section 11056,  
25 subdivision (e) and is categorized as a dangerous drug pursuant to section 4022.

26       d. “Xanax,” is the brand name for Alprazolam. It is a Schedule IV controlled  
27 substance as designated by Health and Safety Code section 11057, subdivision (d) and is  
28 categorized as a dangerous drug pursuant to section 4022.

1                   **DANGEROUS DRUGS**

2           11. "Soma," is the brand name for Carisoprodol, a muscle relaxant, and is categorized as  
3 a dangerous drug pursuant to section 4022.

4                   **FIRST CAUSE FOR DENIAL OF APPLICATION**

5                   **(Conviction of a Crime)**

6           12. Respondent's application is subject to denial under sections 2761, subdivision (f) and  
7 480, subdivision (a)(1), in that Respondent was convicted of a crime. On or about March 30,  
8 2010, after pleading guilty, Respondent was convicted of one count of violating Vehicle Code  
9 section 23152, subdivision (a) [driving under the influence of alcohol or drugs] in the criminal  
10 proceeding entitled *The People of the State of California v. Vicki Lynne Halstead* (Super. Ct. Los  
11 Angeles County, 2010, No. 2009029090). The Court sentenced Respondent to serve 2 days in  
12 Ventura County Jail and placed him on 36 months probation, with terms and conditions.

13           The circumstances surrounding the conviction are that on or about August 8, 2009, during  
14 an enforcement stop, by the California Highway Patrol, in Ventura, CA, Respondent was  
15 contacted. While speaking to Respondent, the officer detected an odor of marijuana emitting  
16 from his person and obvious objective signs of drug impairment. He was observed to have  
17 bloodshot eyes, his face was flushed, and his speech was slow, slurred, and raspy. Respondent  
18 seemed confused and had a difficult time completing his sentences. The officer performed the 7  
19 Step Drug Analysis Recognition Evaluation (DAR) on Respondent and determined that he was  
20 under the influence of a controlled narcotic analgesic. During a search of Respondent's vehicle,  
21 the officer found a backpack on the front seat. The backpack contained a pill bottle containing a  
22 small bud of a green leafy substance later identified as marijuana, and some green leafy substance  
23 wrapped in white paper. The backpack also contained 3 whole and 3 partial pills, later identified  
24 as Vicodin, in a small pouch on the outside of the backpack. Additionally, the officer found an  
25 unmarked pill bottle containing 48 white pills, later identified as Vicodin, in the center consul of  
26 the vehicle. Respondent was subsequently arrested for violating Vehicle Code section 23152,  
27 subdivision (a) [driving under the influence of alcohol or drugs], Business and Professions Code  
28 section 4060 [possession of a controlled substance without a prescription], and Vehicle Code

1 section 23222, subdivision (b) [possession of marijuana 1 ounce or less while driving]. During  
2 the booking procedure, Respondent admitted that he had a "severe problem" with prescription  
3 medications, particularly Vicodin and Soma, and that he had been dependant on Vicodin and  
4 Soma since 2005, when he was diagnosed with (Post-Traumatic Stress Disorder) PTSD.  
5 Additionally, Respondent admitted that he regularly takes Xanax and Adderall and that he had  
6 taken at least one Soma, one Xanax, and approximately 14-15 Vicodin [that day]. Furthermore,  
7 Respondent admitted that he smoked Marijuana earlier in the evening [that day], before driving.

## 8 **SECOND CAUSE FOR DENIAL OF APPLICATION**

### 9 **(Acts Warranting Denial of Licensure)**

10 13. Respondent's application is subject to denial under section 480, subdivisions (a)(3)(A)  
11 and (a)(3)(B), in that Respondent committed acts which if done by a licentiate would be grounds  
12 for suspension or revocation of his license, as follows:

13 a. Respondent was convicted of crimes substantially related to the qualifications,  
14 functions, or duties of a registered nurse which to a substantial degree evidences her present or  
15 potential unfitness to perform the functions authorized by his license in a manner consistent with  
16 the public health, safety, or welfare, in violation of sections 2761, subdivision (f) and 490, in  
17 conjunction with California Code of Regulations, title 16, section 1444. Complainant refers to,  
18 and by this reference incorporates, the allegations set forth above in paragraph 12, as though set  
19 forth fully.

20 b. Respondent illegally obtained or possessed controlled substances, without a valid  
21 prescription, in violation of section 2761, subdivision (a), as defined in section 2762, subdivision  
22 (a). Complainant refers to, and by this reference incorporates, the allegations set forth above in  
23 paragraph 9, as though set forth fully.

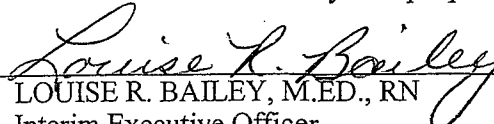
24 c. Respondent used and was under the influence of controlled substances and dangerous  
25 drugs to an extent or in a manner dangerous and injurious to himself, another person, or the  
26 public, in violation of section 2761, subdivision (a), as defined in section 2762, subdivision (b).  
27 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
28 paragraph 9, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Denying the application of Adam Stornie Rogers for Licensure by Examination for a Registered Nurse License; and
2. Taking such other and further action as deemed necessary and proper.

DATED: May 25, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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